

UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO

IN RE:
WILFREDO LUIS ROSA AVILES

CASE NO. 09-05194-ESL

CHAPTER 13

DEBTOR (S)

TRUSTEE'S MOTION TO DISMISS

TO THE HONORABLE COURT:

NOW COMES José R. Carrión, Chapter 13 Trustee, through the undersigned attorney, and very respectfully alleges and prays:

1. There is CAUSE for this case dismissal as the Debtor(s) is (are) in material default with respect to the terms of the confirmed plan (or proposed plan). As of July 23, 2010 the default is equal to \$840.00. 11 U.S.C. §1307(c)(6).

2. There is CAUSE for this case dismissal until the debtor(s) **becomes current with all the required payments under the plan** since this situation constitutes an unreasonable delay prejudicial to creditors. 11 U.S.C. §1307(c)(1).

WHEREFORE the Trustee respectfully prays that this motion be granted and that an order dismissing this case be entered for cause pursuant to 11 U.S.C. §1307 (c) for the reasons herein set forth.

30 DAYS NOTICE: Pursuant to General Order No. 05-09, the Debtor(s), his/her/their counsel of record, and all those parties in interest who have filed a notice of appearance in this case, are hereby notified that unless a party in interest files an objection hereto within 30 days from the date of this notice, the case may be dismissed or converted without the need of further notice or hearing.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certified that a copy of this motion has been served on this same date, to their respective address of record to: Debtor(s), to their counsel and to all those parties in interest who have filed a notice of appearance by First Class Mail if not an ECFS register user.

In San Juan, Puerto Rico this Tuesday, July 27, 2010.

/s/ Jose R. Carrion

JOSE R. CARRION
CHAPTER 13 TRUSTEE
P.O. Box 9023884,
Old San Juan Station,
San Juan, P.R. 00902-3884
Tel (787) 977-3535
FAX (787) 977-3550

UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO

IN RE:
WILFREDO LUIS ROSA AVILES

CASE NO. 09-05194-ESL

CHAPTER 13

DEBTOR (S)

AFFIDAVIT FOR DEFAULT JUDGEMENT
PURSUANT TO SECTION 201(b) (4)
OF THE SERVICEMEMBERS CIVIL RELIEF ACT OF 2003

I , LILA SANTIAGO FUENTES ,clerk for the Chapter 13 & 12 Trustee's Office,
declare under penalty of perjury, the following:

That according to the enclosed certification, provided by the Department of Defense Manpower Data Center (DMDC), the Debtor(s) is (are) not in active duty or under call to active duty as a member(s) of the Army, Navy or Air Forces of the United States of America; the National Guard; the Public Health Service or the National Oceanic and Atmospheric Administration.

To certify the above statement I sign this affidavit,

In San Juan, Puerto Rico, July 23, 2010.





Military Status Report
Pursuant to the Service Members Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Active Duty End Date	Service Agency
ROSA AVILES	WILFREDO	Based on the information you have furnished, the DMDC does not possess any information indicating the individual status.			

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

Mary M. Snavely-Dixon, Director
Department of Defense - Manpower Data Center
1600 Wilson Blvd., Suite 400
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Service Members Civil Relief Act (50 USC App. §§ 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defense link.mil" URL <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person is on active duty and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. §521(c).

If you obtain additional information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects **active duty status** including date the individual was last on active duty, if it was within the preceding 367 days. For historical information, please contact the Service SCRA points-of-contact.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d)(1) for a period of more than 30 consecutive days. In the case of a member of the National Guard, includes service under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy TARs, Marine Corps ARs and Coast Guard RPAs. Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps) for a period of more than 30 consecutive days.

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate.

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of SCRA extend beyond the last dates of active duty.

Those who would rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

WARNING: This certificate was provided based on a name and SSN provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

Report ID:C495LQ6B3D

The undersigned hereby certifies that a true copy of the foregoing document was mailed by first class mail to the parties listed below:

JOSE R. CARRION
PO BOX 9023884, OLD SAN JUAN STATION
SAN JUAN, PR 00902

CELESTINO MATTA
US POST OFFICE & COURTHOUSE
300 RECINTO SUR ST., SUITE 109
OLD SAN JUAN, PR 00901

MARILYN VALDES ORTEGA*
PO BOX 195596
HATO REY, PR 00919-5596

DEPARTMENT OF TREASURY
PO BOX 9024140
SAN JUAN, PR 00902

UNEMPLOYMENT INSURANCE
PUERTO RICO DEPT OF LABOR
12 FLOOR 505 MUNOZ RIVERA AVE.
SAN JUAN, PR 00918

WILFREDO LUIS ROSA AVILES
PO BOX 3591
GUAYNABO, PR 00970

AMERICAN INFOSOURCE/T MOBILE USA INC
PO BOX 248848
OKLAHOMA CITY, OK 73124-8848

FIRST BANK PUERT RICO
PRESTAMOS DE AUTO
PO BOX 9146
SANTURCE, PR 00908-0146

GE MONEY BANK
RECOVERY MANAGEMENT SYSTEMS CORP
25 SE 2ND AVENUE SUITE 1120
ATT RAMESH SINGH
MIAMI, FL 33131-1605

GE MONEY BANK
PO BOX 981400
EL PASO, TX 79998

INSTITUTO DE BANCA Y COMERCIO
1660 SANTA ANA
SAN JUAN, PR 00909

LEADING EDGE RECOVERY SOLUTIONS, LLC
5440 N CUMBERLAND AVE STE 300
CHICAGO, IL 60656-1490

SANTANDER FINANCIAL SERV DBA ISLAND FINANCE
C/O LIGIA RIVERA BUJOSA
PO BOX 7821
PONCE, PR 00732-7821

TRIPLE S PROPIEDAD
PO BOX 9023862
SAN JUAN, PR 00902-3826

DATED: July 27, 2010

OLGA SOSA

OFFICE OF THE CHAPTER 13 TRUSTEE